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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/617,065      | 07/13/2000  | Norman Understein    | 2802-5              | 7218             |

7590 05/04/2004

NIXON & VANDERHYE P C  
1100 North Glebe Road  
8th Floor  
Arlington, VA 22201-4714

EXAMINER

SHIH, SALLY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/617,065

Applicant(s)

UNDERSTEIN, NORMAN

Examiner

Sally Shih

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is response to Applicant's amendment filed on August 19, 2003.

The rejections are as stated below:

#### ***Status of Claims***

2. Of the original claims 1-8, claims 1 and 7 have been amended. Furthermore, Applicant has added claim 9. Accordingly, claims 1-9 are under prosecution in this application.

#### ***Summary of this Office Action***

3. Applicant's arguments filed on August 19, 2003 with respect to claims 1-9 have been considered but are moot in view of the new ground of rejection.

#### ***Response to Applicant's Argument***

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground of rejection.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosen (United States Patent Number 6,122,625).

Claims 1, 7 and 8: Rosen discloses a method, corresponding system and computer program of qualifying a participant over a global network in a transaction requiring a transfer of funds from the participant using a qualifying system, the method comprising:

- (a) the participant establishing a consumer funding account by depositing funds in the consumer funding account, the consumer funding account can be administered by the qualifying system (abstract; figs. 1, 11, 12, 25 and associated text);
- (b) the participant entering a transaction requiring a transfer of funds from the participant to an other party (abstract; figs. 28-29 and associated text);
- (c) the qualifying system reserving a portion of the consumer funding account according to a transaction parameter determined by at least one of the qualifying system, the participant or the other party (figs. 30-31 and associated text); and
- (d) the qualifying system qualify the participant for the transaction if the consumer funding satisfies conditions of the transaction parameter (figs. 30-31 and associated text).

Claim 2: Rosen discloses a method according to claim 1, wherein the transaction parameter is a required deposit (figs. 11-12 and associated text).

Claim 3: Rosen discloses a method according to claim 1, wherein the transaction parameter is an amount of funds required to complete the transaction (fig. 30 and associated text).

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Claim 4: Rosen discloses a method according to claim 1, wherein step (c) is practiced by reserving a first portion of the consumer funding account corresponding to a required deposit and reserving a second portion of the consumer funding account corresponding to an amount of funds required to complete the transaction (figs. 15-16 and associated text).

Claim 5: Rosen discloses a method according to claim 1, further comprising releasing the reserved portion of the consumer funding account when the transaction is completed (figs. 29-30A and associated text).

Claim 6: Rosen discloses a method according to claim 1, wherein step (c) is practiced by querying a network website server that maintains the consumer funding account (abstract; fig. 3 and associated text).

Claim 9: Rosen discloses a method of qualifying a participant over a global network in a transaction requiring a transfer of funds from the participant using a qualifying system, the method comprising:

(a) the participant entering a transaction requiring a transfer of funds from the participant to an other party (abstract; figs. 36-36A and associated text);

(b) the qualifying system determining whether the participant has established a consumer funding account, wherein if not, the qualifying system providing the participant an opportunity to establish the consumer funding account, the consumer funding account to be administered by the qualifying system (abstract; figs. 36-36A and associated text);

(c) after establishing the consumer funding account, the qualifying system continuing with the transaction (abstract; figs. 36-36A and associated text);

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(d) the qualifying system reserving a portion of the consumer funding account according to a transaction parameter determined by at least one of the qualifying system, the participant or the other party (abstract; figs. 36-36A and associated text); and

(e) the qualifying system qualifying the participant for the transaction if the consumer funding account satisfies conditions of the transaction parameter (abstract; figs. 36-36A and associated text).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600